MASS. PS 10.2:C33/no.1

The Commonwealth of Massachusetts
Executive Office of Public Safety
Criminal History Systems Board
200 Arlington Street, Suite 2200
Chelsea, Massachusetts 02150
www.state.ma.us/chsb

JANE SWIFT
Governor
JAMES P. JAJUGA
Secretary
BARRY J. LaCROIX
Executive Director

TEL: (617) 660-4600
TTY: (617) 660-4606
FAX: (617) 660-4613

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CERTIFICATION PACKET #1

NOTICE OF AN OFFENDER'S RELEASE

GOVERMENT DOCUMENTS
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PACKET INCLUDES:

APPLICATION FOR NOTICE

2 PAGE EXPLANATION OF NOTIFICATION PROCESS

NOTIFICATION FLOW CHART

The Commonwealth of Massachusetts
Executive Office of Public Safety
Criminal History Systems Board

Marissa Cutts
Director of Victims Services

200 Arlington Street
Suite 2200, Room 2114
Chelsea, MA 02150

Office: (617) 660-4691
Fax: (617) 660-1091
Internet: MARISSA.CUTTS@STATE.MA.US

APPLICATION FOR NOTICE OF AN OFFENDER'S RELEASE

1). **The Victim Rights Law** (M.G.L., c. 258B), mandates that victims, witnesses, family members of homicide victims and parents/guardians of minor aged victims shall, **upon request**, be notified, in advance, by the appropriate custodial authority whenever the offender is transferred to a less secure facility, escapes from custody or receives a temporary, provisional, or final release.

2). The **Criminal Offender Record Information (CORI) Law** (M.G.L. c.6, s.172c) mandates that any person who reasonably believes that his/her physical safety is at risk by an inmate shall, **upon request**, be notified, in advance, of an offender's release under a **C**itizen's **I**nitiated **P**etition" (**CIP**). Under the **CIP** process, you must provide a written statement with this application explaining why you believe the inmate might harm you.

INMATE INFORMATION

Probation Central File (PCF) #:		
Name of Inmate:	Alias(es):	
DOB:	SSN:	Race:
Charges:		
Sentence:	Date of Sentence:	
CURRENT Place of Incarceration:		

APPLICANT INFORMATION ****Applicant must be over 17 years of age****

Applicant (Ms./Mr.):	DOB:	SSN:	
Address:	City:	State:	Zip:
Home Phone: ( )	Business/Other Phone: ( )		
Special Needs (i.e., non-English speaking):			

YOU ARE APPLYING AS:

1. [ ] **Victim** [ ] **Witness** [ ] **Family member of homicide victim** [ ] **Parent/Guardian of minor aged victim**
2. [ ] **Citizen's Initiated Petition** ***(a statement must be provided for #2)***

IF APPLICANT IS NOT THE VICTIM

Victim's Name:	DOB:
Applicant's relationship to victim:	

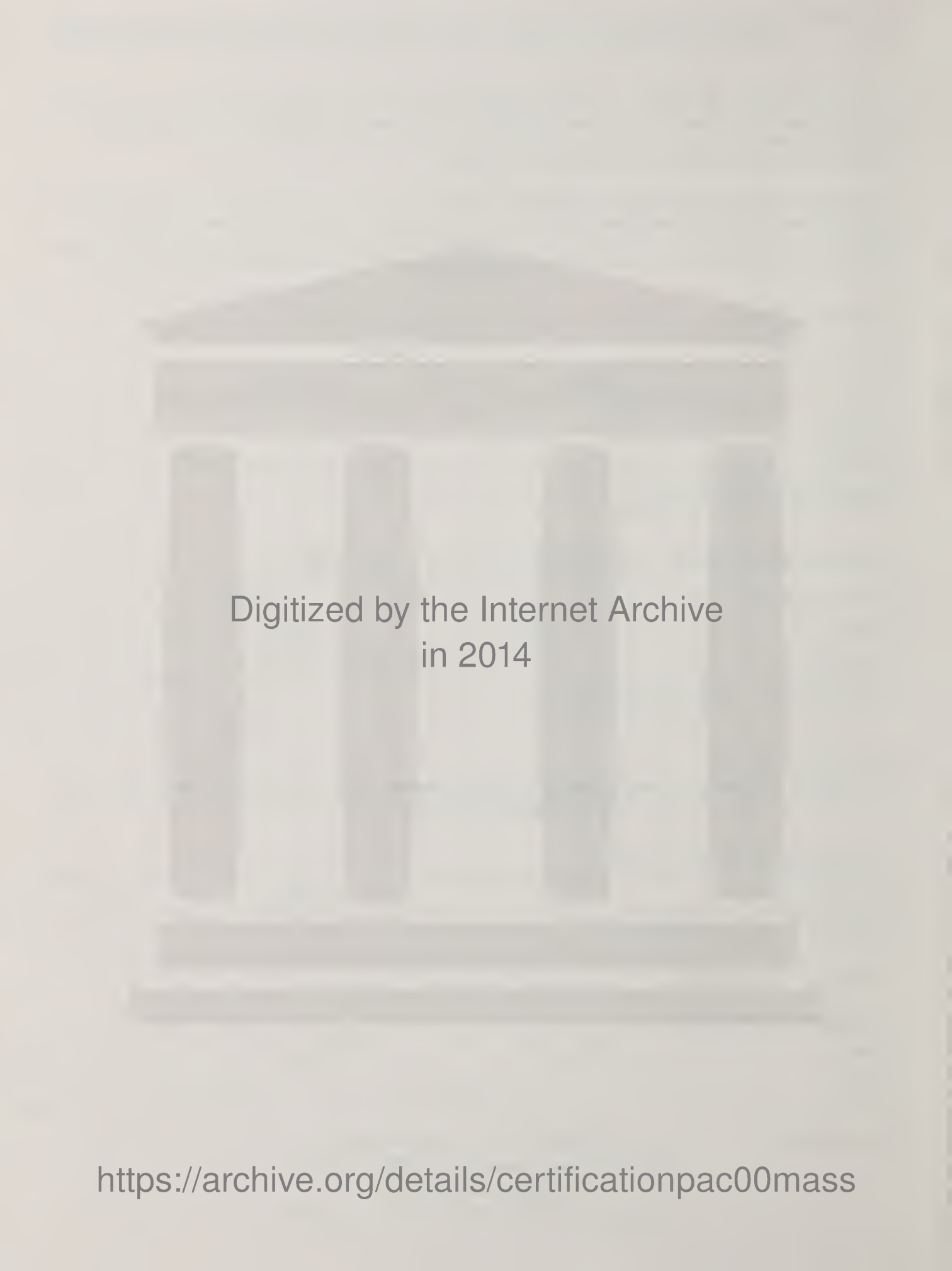
****APPLICANT'S SIGNATURE**_____

ADVOCATE INFORMATION

Name:	Office:	Court:
Address:	Phone: ( )	Fax: ( )

(Revised 10/99)

Criminal History Systems Board
200 Arlington Street, Suite 2200, Room 2112
Chelsea, MA 02150
Phone: (617) 660-4690, Fax: (617) 660-1090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NOTICE OF AN OFFENDER'S RELEASE

A. WHO IS ELIGIBLE TO RECEIVE NOTICE OF AN OFFENDER'S RELEASE?

(1) The **Victim Rights Law (M.G.L. c.258B)**, mandates that victims, witnesses, family members of homicide victims and parents/guardians of minor aged victims shall, **upon request**, be notified, **in advance**, by the appropriate custodial authority *whenever the offender is **transferred** to a less secure facility, **escapes** from custody or **receives** a temporary, provisional, or final release.*

(2) The **Criminal Offender Record Information (CORI) Law (M.G.L. c.6, s.172c)** mandates that any person who reasonably believes that his/her safety is at risk by an inmate shall, **upon request**, be notified under a **C**itizen's **I**nitiated **P**etition (**CIP**). A written statement is **required** under the CIP process stating why the applicant believes the inmate might harm him/her.

B. WHY IS CERTIFICATION NEEDED TO RECEIVE NOTICE?

Certain offender information is protected from dissemination under the CORI law. The 1992 amendment to the CORI Law (M.G.L. c.6, s.172, p.6) allows custodial authorities to release, upon request, inmate placement and custody status information to the general public. However, certification allows the custodial authority to directly notify the certified person of the offender's transfer to a less secure facility, release, or escape from custody.

C. HOW IS CERTIFICATION OBTAINED?

Certification occurs **after** the offender is sentenced to incarceration to an ***adult*** county or state correctional facility. Applications are completed by the applicant with the assistance of a Victim Witness Advocate from the District Attorney's Office or the Victim Service Units of the Massachusetts Parole Board, Massachusetts Department of Correction (DOC) and the Criminal History Systems Board (CHSB).

Applications are submitted to the CHSB which is responsible for ***approving*** all certifications. To insure timely certification and notification, applications should be made immediately following the disposition of the criminal case. ***Offenders are not informed of an individual's certification status.***

D. WHAT HAPPENS AFTER A CERTIFICATION?

The Victim Service Unit at the CHSB sends a certification letter to the applicant verifying their certification status. The CHSB informs the county or state facility where the offender is incarcerated ***and*** the Massachusetts Parole Board of the certified person's right to notice.

(Handout Revised 3/00)

E. WHO ACTUALLY PROVIDES THE NOTICE?

Notice comes directly from either the correctional facility where the offender is housed ***or*** from the Massachusetts Parole Board ***depending on the inmate's release status.*** If the inmate is granted parole, then notice is given by the Massachusetts Parole Board. If the offender is completing his/her sentence, then notice is given by the Records Department at the correctional facility.

F. WHEN IS NOTICE GIVEN?

Notices are given whenever the offender is ***transferred*** to a less secure facility, ***escapes*** from custody or ***receives*** a temporary, provisional, or final release date. These releases include parole, emergency escorted leaves, work release, pre-release and final discharges.

G. WHO ANSWERS QUESTIONS ABOUT AN OFFENDER'S POTENTIAL PAROLE?

Any and all questions regarding the parole process should be directed to the Victim Service Unit at the Massachusetts Parole Board at (617) 727-3271. They can answer questions about parole eligibility, parole hearings, parole decisions, parole releases, conditions of parole and parole supervision.

H. WHO ANSWERS QUESTIONS ABOUT AN OFFENDER INCARCERATED IN A STATE PRISON WITH THE DEPARTMENT OF CORRECTION (DOC)?

Any and all questions regarding the placement and status of a state inmate should be directed to the Victim Service Unit at the Massachusetts Department of Correction at (978) 369-3618.

I. WHO ANSWERS QUESTIONS ABOUT AN OFFENDER INCARERATED AT A COUNTY BASED HOUSE OF CORRECTION (HOC)?

The Houses of Correction are operated by the county Sheriff's Departments. If you want to know what security level the offender has been under, ask to speak to the Classification Department. If you want to know when an offender is completing his sentence, ask to speak to the Records Department. If you experience difficulty in obtaining this information, the Victim Service Unit at the CHSB can provide assistance and intervention into the **county-based inquiries.**

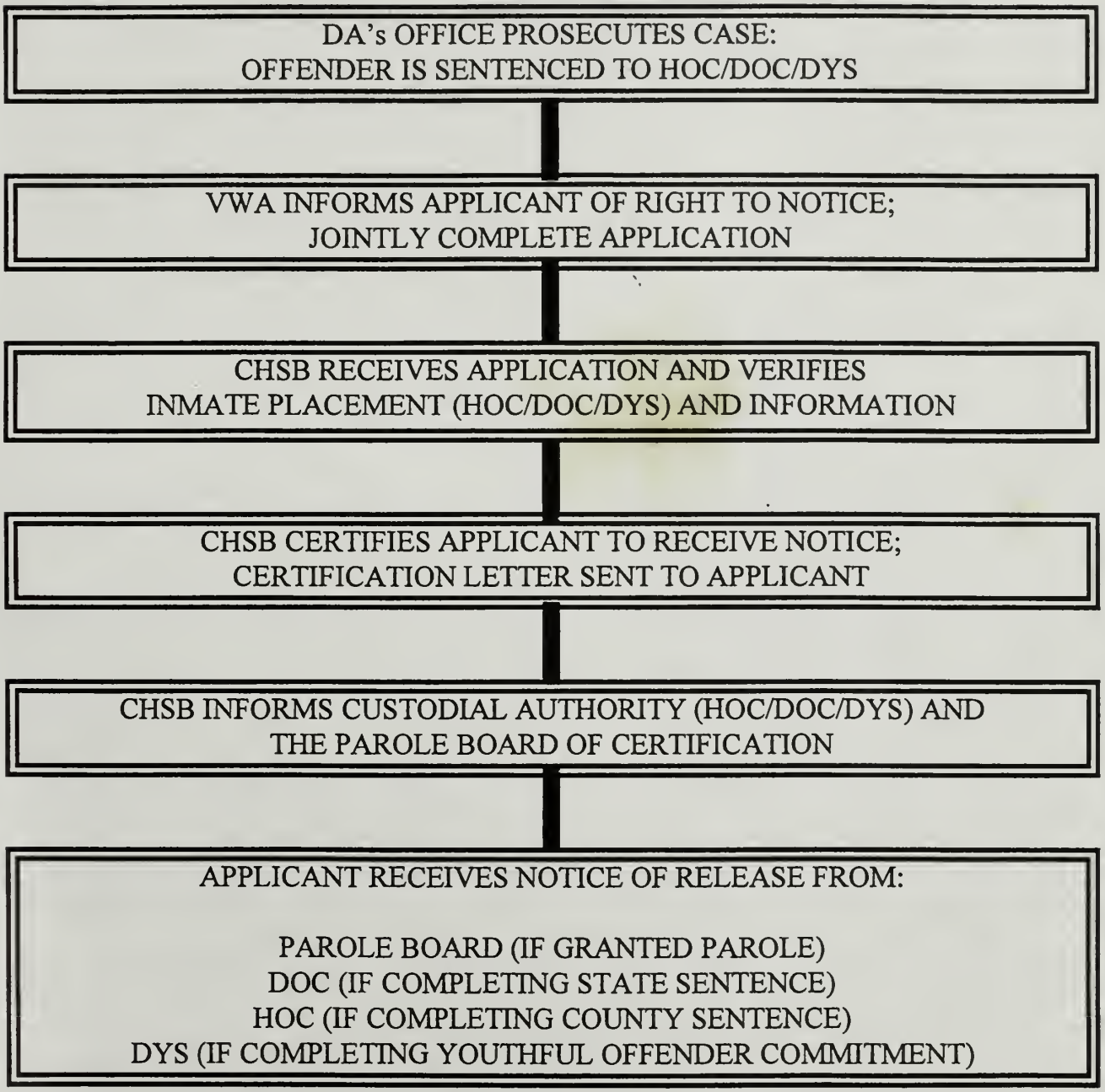
J. WHAT IF THE CERTIFIED PERSON'S CONTACT INFORMATION CHANGES?

It is imperative that the certified individual inform the Criminal History Systems Board of any changes regarding their name, address, or telephone numbers. **NOTICE CANNOT BE GIVEN WITHOUT THE PROPER CONTACT INFORMATION.** The CHSB will forward the new contact information to the proper custodial authorities. Contact information is kept ***confidential.***

If you have any questions regarding the certification and notification process, please call the Victim Service Unit at the Criminal History Systems Board at (617) 660-4690.

(Packet Revised 3/00)

OFFENDER NOTIFICATION PROCESS


DA's OFFICE PROSECUTES CASE:
OFFENDER IS SENTENCED TO HOC/DOC/DYS
VWA INFORMS APPLICANT OF RIGHT TO NOTICE;
JOINTLY COMPLETE APPLICATION
CHSB RECEIVES APPLICATION AND VERIFIES
INMATE PLACEMENT (HOC/DOC/DYS) AND INFORMATION
CHSB CERTIFIES APPLICANT TO RECEIVE NOTICE;
CERTIFICATION LETTER SENT TO APPLICANT
CHSB INFORMS CUSTODIAL AUTHORITY (HOC/DOC/DYS) AND
THE PAROLE BOARD OF CERTIFICATION
APPLICANT RECEIVES NOTICE OF RELEASE FROM:
PAROLE BOARD (IF GRANTED PAROLE)
DOC (IF COMPLETING STATE SENTENCE)
HOC (IF COMPLETING COUNTY SENTENCE)
DYS (IF COMPLETING YOUTHFUL OFFENDER COMMITMENT)

DA = District Attorney VWA = Victim Witness Advocate
HOC = House of Correction DOC = Department of Correction
DYS = Department of Youth Services
CHSB = Criminal History Systems Board